

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

In re:

Sheila C Stempel
(SSN: XXX-XX-5940)

Debtor.

Hearing Date: May 16, 2013
Hearing Time: 12:30 pm
Hearing Location: Albany

Case No. 12-13013
Chapter 13

TRUSTEE'S OBJECTION TO CONFIRMATION

Andrea E. Celli, Chapter 13 Standing Trustee for the Northern District of New York

(the "Trustee") states the following as and for her objection to confirmation of the Chapter 13

Plan. The Debtor filed the petition for relief on Nov 20, 2012. The Proposed Plan is as follows:

Start	Periods	Amount	Type
12/01/2012	60.00	\$1,700.00	MONTHLY

The Trustee objects to the confirmation of the proposed plan and submits that the plan does not meet the requirements for confirmation under 11 U.S.C. 1322, 1325 as follows:

LIQUIDATION: Plan does not provide general unsecured Creditors with at least as much as they would have received if the Debtor's assets were liquidated under a Chapter 7 liquidation proceeding as required pursuant to 11 U.S.C. 1325(a)(4).

- Current market analysis for real property sought to be retained
- Valuation of stock -provide statement for date of filing

TAX RETURNS: Debtor has not filed all applicable tax returns as required for all tax periods ending during the 4 -year period ending on the date of filing, or has not provided required tax returns to the Trustee for review as follows:

-Evidence of filing of 2009-2011 NYS tax return(s)

-State and federal tax returns year(s): 2012 - personal/business

DISPOSABLE INCOME: The Debtor has failed to provide for the submission of all disposable income, pursuant to 11 U.S.C. Section 1325(b)(1)(B):

-Current monthly income analysis, including supporting documentation

INFORMATION NEEDED: The Trustee cannot determine if all provisions of 11 U.S.C. § 1325 have been met and requests additional information to assist in her determination, as follows:

-Value of Rudy Stempel and Family Sawmill, Inc. - ownership interest/value/assets
Information regarding money owed to debtor by Howard Hoose and Everett Rau
(amounts/dates/nature of debt)

WHEREFORE, the Trustee respectfully requests that this Court issue an Order denying confirmation of the plan or briefly adjourning the hearing on confirmation to allow the movant to resolve the objection contained herein.

Respectfully Submitted,

ANDREA E. CELLI, CHAPTER 13 TRUSTEE

By:/s/ Andrea E. Celli
Andrea E. Celli, Chapter 13 Trustee
7 Southwoods Blvd.
Albany, NY 12211
(518) 449-2045

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

IN RE: Sheila C Stempel

AFFIDAVIT OF SERVICE

Case No.: 12-13013

Debtor

SHARON MCGUIRE, BEING DULY SWORN, DEPOSES AND SAYS: THAT SHE IS OVER THE AGE OF 18 YEARS; THAT SHE SERVED A COPY OF **TRUSTEE'S OBJECTION TO CONFIRMATION** DATED MAY 03, 2013 ON THE FOLLOWING MANNERS: ON MAY 03, 2013.

VIA ELECTRONIC FILING:

Office of the United States Trustee
74 Chapel Street
Albany, NY 12207

RICHARD CROAK & ASSOC.
314 GREAT OAKS BLVD
ALBANY, NY 12203

VIA REGULAR U.S. MAIL

Sheila C Stempel
73 Stempel Rd.
East Berne, NY 12059

BY DEPOSITING A TRUE AND CORRECT COPY OF THE SAME PROPERLY ENCLOSED IN A POST-PAID WRAPPER IN THE OFFICIAL DEPOSITORY MAINTAINED AT 7 SOUTHWOODS PLAZA, ALBANY, NEW YORK DIRECTED TO SAID PERSON(S), AT SAID ADDRESSES.

/s/ SHARON MCGUIRE
SHARON MCGUIRE

Sworn before me this
3rd day of May, 2013

/s/ Sandra Spring
Reg. # 4955344
Notary Public - State of NY
Qualified in Rensselaer County
My Commission Expires 08/28/2013